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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/617,363	07/11/2003	Zhangyi Wu	45047	1506

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EXAMINER

VIANA DI PRISCO, GERMAN

ART UNIT	PAPER NUMBER
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2617

MAIL DATE	DELIVERY MODE
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04/09/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<p align="center">Advisory Action Before the Filing of an Appeal Brief</p>	<p>Application No. 10/617,363</p>	<p>Applicant(s) WU ET AL.</p>	
	<p>Examiner GERMAN VIANA DI PRISCO</p>	<p>Art Unit 2617</p>	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 10 March 2008 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: 2 and 5.
Claim(s) rejected: 1,3,4,6,8-13,16-28,30-37 and 42.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information *Disclosure Statement*(s). (PTO/SB/08) Paper No(s). _____.
13. ☐ Other: _____.

/Rafael Pérez-Gutiérrez/
Supervisory Patent Examiner, Art Unit 2617

Response to Arguments

Regarding claims 1 and 34 the Applicants basically argue that Kukic does not disclose a DS3 stream nor parallel data streams. The Examiner respectfully disagrees with the Applicants' argument because Kukic does disclose a DS3 stream and parallel data streams. Kukic clearly shows and discloses two inverse multiplexers 20 and 22 in figure 1 connected by parallel data streams carried by physical communications links 28a-n (see paragraph [0015]). Kukic further teaches (in paragraph [0018]) that the links 28a-n may be physically combined, for all or part of the path between the two inverse multiplexers, onto a higher capacity physical communication link such as a DS3 link which means that ATM communication link 50 can be a DS3 stream.

The Applicants also argue that the bonded link interface 26 in Pedersen does not teach receiving each of plural inversely multiplexed parallel streams. The Examiner respectfully disagrees with the Applicants' argument because Pedersen does teach receiving each of plural inversely multiplexed parallel streams. Each of the parallel data streams carried by physical links 30 correspond to a higher bandwidth logical link that has been inverse multiplexed in order to be transmitted from a first bonded link transmit/receive unit 20a to a second bonded link transmit/receive unit 20b (see figure 1 and column 4, lines 12-44).

Regarding claims 6, 26 and 37, the Applicants basically argue that Sheets teaches away from the claimed invention. The Examiner respectfully disagrees. Sheets teaches passing through, from one repeater to the next, a received loopback code, which is the address of the particular repeater required to loopback. This loopback code is transmitted for three seconds in order to ensure correct reception by the target repeater.

Regarding claim 25, the Applicants argue that the bonded link interface 26 in Pedersen does not teach receive parallel streams of packets. The Examiner respectfully disagrees with the Applicants' argument because Pedersen clearly shows and discloses in figure 1 and column 4 lines 13-44 a plurality of physical links 30 (parallel streams of packets) being received by a bonded link unit 20a-b via a plurality of bonded link interfaces 26.

The Applicants also argue that the claimed invention is useful for transporting data over a short range (e.g., a maximum distance of 2300 feet) whereas the HSAS disclosed by Barlev is only for a link from the CO to the node and not a link over the relatively short distance drop segment, i.e., from the node to the user. The Examiner respectfully disagrees with the Applicant's argument because Barlev explicitly discloses that the invention is not limited to applications over the local loop plant, but may be used in any environment having a plurality of copper lines, such as a large building.

Regarding claim 8, the Applicants basically argue that the high-speed modems 60 and 68 in Somekh does not each comprise a high speed data interface, a framer and a plurality of modems. However the Examiner has relied on Somekh to teach a repeater configuration wherein the high-speed side of one device is connected to the high-speed side of the other device as shown in figure 4. The plurality of modems is taught by Barlev in paragraph [0143] and the framer is taught by Pedersen in figure 1B and column 6, lines 63-67.

Also the Applicants argue that Peters fails to disclose a repeater as claimed. However the Examiner has relied on Peters to read on the limitation "at least one switch adapted to configure said apparatus as a repeater or a non-repeater unit", and Peter teaches said claimed limitation in column 11, lines 48-50.

Therefore all of the claimed limitations in claim 8 are not taught by any single reference alone but by the combination of Barlev, Pedersen, Somekh and Peters.